



State of Ohio Environmental Protection Agency

Admin/NOVs

F#0 PSD/PT1

PSD F#05 misolwary PSD  
Permit Permit

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December 30, 2004

**CERTIFIED MAIL**

Mr. William D. Hayes, Esq.  
Vorys, Sater, Seymour and Pease LLP  
Suite 2000, Atrium Two  
221 E. Fourth St., P.O. Box 0236  
Cincinnati, OH 45201-0236

Re: Final Findings and Orders for the Clow  
Water Systems Company facility  
located at 2266 South Sixth Street,  
Coshocton, Ohio

Dear Mr. Hayes:

Transmitted herewith are the Final Findings and Orders ("Orders") of the Director of Ohio EPA concerning the above-referenced matter.

Please note that the effective date of the Orders is the date that the Orders were entered into the Ohio EPA Director's journal, which is the date that is stamped on the first page of the Orders.

Sincerely,

Michael W. Ahern  
Manager, Permit Issuance & Data Management Section  
Division of Air Pollution Control

MWA/pr

Enclosure

cc: Carol Hester, PIC  
Stephen Feldmann, Legal Office  
Jim Orlmann, DAPC  
Brenda Case, Fiscal Office (Agency #NA)  
Priscilla Roberson, DAPC  
Tom Kalman, DAPC  
Zach Hamlin, SEDO  
Jeff S. Otterstedt, Clow

Bob Taft, Governor  
Jennette Bradley, Lieutenant Governor  
Christopher Jones, Director

BEFORE THE

OHIO E.P.A.

## OHIO ENVIRONMENTAL PROTECTION AGENCY DEC 30 2004

ENTERED DIRECTOR'S JOURNAL

In the Matter of:

Clow Water Systems Company,  
 a division of McWane, Inc.  
 2266 South Sixth Street  
 P. O. Box 6001  
 Coshocton, Ohio 43812

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:  
:  
:  
:

Director's Final Findings  
and Orders

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to Clow Water Systems Company, a division of McWane, Inc. ("Respondent") pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") §§ 3704.03 and 3745.01.

II. PARTIES BOUND

These Orders shall apply to and be binding upon Respondent and successors in interest liable under Ohio law. No change in ownership of the Respondent or of the facility (as hereinafter identified) shall in any way alter Respondent's obligations under these Orders.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meaning as defined in ORC Chapter 3704 and the rules promulgated thereunder.

IV. FINDINGS

The Director of Ohio EPA has determined the following findings:

1. Respondent is a division of McWane, Inc. of Birmingham, Alabama. The Respondent owns and operates a ductile iron water pipe production facility that is located at 2266 South Sixth Street, Coshocton, Ohio. The facility employs an 85 tons per hour grey iron cupola furnace ("emissions unit P901"), which was initially installed prior to 1972, for the production of hot metal to form ductile iron water pipe. Emissions unit P901 is equipped with an afterburner for the combustion of carbon monoxide emissions from the

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furnace, and with a venturi scrubber followed by a ring-jet scrubber, which was voluntarily installed in 2002, for the control of particulate emissions from the furnace. The facility is identified by Ohio EPA as facility identification number 0616010006.

2. Emissions unit P901 is an "air contaminant source" as defined by Ohio Administrative Code ("OAC") Rules 3745-31-01(G) and 3745-15-01(C) and (W). Respondent's facility is a "major stationary source" as defined in OAC Rule 3745-31-01(KKK).

3. Pursuant to OAC Rule 3745-31-02(A), no person shall install a new source of air pollutants or allow the modification of an air contaminant source, without first obtaining a permit to install ("PTI") from the Director of Ohio EPA, unless otherwise specified by law or rule. OAC Rule 3745-31-01(TTT) defines "new source" to include any air contaminant source which undergoes a "modification" after January 1, 1974. OAC Rule 3745-31-01(PPP) defines "modification" to include the "major modification" to an existing source. "Major modification" is defined by OAC Rule 3745-31-01(III).

4. Pursuant to OAC Rule 3745-77-04(D), sources required to have a preconstruction permit under Part C or D of Title I of the Clean Air Act, as amended in 1990, shall submit a complete Title V permit application within 12 months after commencing operation, provided that where an existing Title V permit would prohibit construction or operation of such new or modified source, a Title V permit revision must be obtained before operation of such new or modified source, unless as otherwise specified by law or rule.

5. Pursuant to OAC Rule 3745-21-08(A) and (D), as effective on February 15, 1972, no person shall, in part, discharge carbon monoxide gases generated during the operation of a grey iron cupola furnace that is a new source, unless such gases are burned at 1,300 degrees Fahrenheit ("°F") for 0.3 second or greater in a direct-flame afterburner or equivalent device equipped with an indicating pyrometer which is positioned in the working area at the operator's eye level.

6. Pursuant to OAC Rule 3745-31-13(C), as effective on April 12, 1996, any major air stationary source constructed or modified in an area designated as an attainment area must meet the Prevention of Significant Deterioration ("PSD") program requirements contained in OAC Rules 3745-31-10 through 3745-31-20 (as effective on April 12, 1996).

7. Pursuant to ORC § 3704.05(C), (G) and (J)(2), no person shall violate any term or condition of a permit issued by the Director, any order, rule or determination of the Director, and any filing requirement of the Title V permit program, respectively.

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8. In 1989, Respondent modified emissions unit P901 by installing new hot blast air equipment, which resulted in a major modification of the facility. This modification to emissions unit P901 caused OAC Rule 3745-21-08(D) to become applicable to this emissions unit.

9. In 1998, Respondent modified emissions unit P901 by replacing the 102-inch lined lower shell of the cupola furnace with a 108-inch unlined lower shell, which resulted in a major modification of the facility.

10. Respondent contends that in neither instance cited in Findings 8 and 9 above did the modification result in exceedances of the applicable permit emission limits for emissions unit P901, including the emission limits contained in the Title V permit.

11. In accordance with the schedule contained in OAC Rule 3745-77-04, on June 27, 1996, Respondent submitted its initial Title V permit application to Ohio EPA for its facility. Revised Title V permit applications were submitted to Ohio EPA by Respondent on May 10, 1998, September 8, 1998, and February 19, 1999.

12. On June 8, 2000, Respondent was issued a Title V permit by Ohio EPA for its Coshocton facility, pursuant to the requirements of OAC Chapter 3745-77. The Title V permit contains operational restrictions to maintain the pressure drop across the venturi scrubber within a range of 35 to 60 inches of water column while emissions unit P901 is in operation and to burn the gases from emissions unit P901 at a temperature of at least 1300 °F in a direct-flame afterburner or equivalent device designed for a minimum of 0.3 second of residence time. Also, the Title V permit specifies continuous monitoring, daily recordkeeping, and quarterly deviation reporting requirements for the above operating restrictions.

13. On October 25, 2000, Respondent submitted its quarterly deviation report for the third quarter of calendar year 2000. The report identified deviations from operating restrictions as summarized in the attached Table I of these Orders. These deviations from the 1300 °F afterburner temperature and venturi scrubber pressure drop restrictions and the requirement to continuously monitor the scrubber pressure drop constitute violations of OAC Rule 3745-21-08(D) and ORC § 3704.05 (C), (G) and (J)(2).

14. In letters dated November 14 and November 27, 2000, Respondent reported that several experiments were being conducted to try and alleviate problems associated with afterburner temperature, including the addition of supplemental natural gas combustion to increase afterburner temperatures and the addition of compressed air at the height of the charge doorsill; however, Respondent was not able to continuously maintain the minimum 1300 °F afterburner temperature. On November 30, 2000, Ohio EPA Southeast District Office ("SEDO") sent correspondence to Respondent acknowledging the inability of Respondent to continuously maintain a minimum 1300 °F afterburner temperature. The November 30, 2000 correspondence from SEDO also requested

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additional information about emissions unit P901 so that SEDO could determine if OAC Rule 3745-21-08(D) was applicable.

15. On December 4, 2000, Respondent provided updated information to SEDO in reference to experiments occurring to alleviate emissions unit P901's inability to continuously maintain a minimum 1300 °F afterburner temperature. Respondent remained unable to continuously maintain a minimum 1300 °F afterburner temperature.

16. On December 19, 2000, Respondent sent correspondence in reply to SEDO's November 30, 2000 letter. Respondent's letter indicated that while Respondent was working to resolve temperature issues, the exact cause and remedy had not yet been determined. Respondent also requested further clarification on why SEDO was requesting additional information about emissions unit P901. On January 5, 2001, a telephone conversation occurred between SEDO staff and Respondent, where Respondent informed SEDO it was continuing to work on emissions unit P901's inability to continuously maintain a minimum 1300 °F afterburner temperature. The November 30, 2000 letter from SEDO was also discussed, during which SEDO clarified the request for additional information. On January 11, 2001, SEDO sent correspondence to Respondent providing detailed clarification on why additional information was requested regarding emissions unit P901. The letter again requested that Respondent submit information to SEDO so that it could determine if violations had occurred.

17. The January 11, 2001 correspondence from SEDO also concluded that Respondent had provided information in its February 19, 1999 Title V permit application and in more recent correspondence to SEDO that modifications to emissions unit P901 may have occurred in the past, which may have triggered additional requirements.

18. On January 26, 2001, Respondent submitted its quarterly deviation report for the fourth quarter of calendar year 2000. The report identified deviations from operating restrictions as summarized in the attached Table 1 of these Orders. These deviations from the 1300 °F afterburner temperature restriction and the requirement to continuously monitor the scrubber pressure drop constituted violations of OAC Rule 3745-21-08(D) and ORC § 3704.05(C), (G) and (J)(2).

19. On January 30, 2001, Respondent sent correspondence to SEDO providing the information requested in SEDO's November 30, 2000 and January 11, 2001 letters.

20. On February 23, 2001, a telephone conversation occurred between SEDO staff and Respondent, during which Respondent informed SEDO it was continuing to work on emissions unit P901's inability to continuously maintain a minimum 1300 °F afterburner temperature. Also, discussed was whether modifications that were reported by Respondent had resulted in increased emissions. The Respondent reportedly informed SEDO that it was reviewing documents to make that determination.

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21. In a letter dated March 8, 2001, Respondent indicated that the afterburner temperature problem was likely due to incomplete mixing of gases and ambient air, that it had retained cupola operation experts, and that the schedule called for work to be completed and operational by August 2001. The letter also reported that issues with the pressure drop had been resolved. The letter noted that pressure drop across the venturi scrubber had always exceeded the 35-inch minimum, and that pressure drop issues were related to sensor/recorder problems that were resolved. New response procedures were attached to the letter for use if the sensor/recorder were to malfunction again.

22. On April 30, 2001, Respondent submitted its quarterly deviation report for the first quarter of calendar year 2001. The report identified deviations from operating restrictions as summarized in the attached Table I of these Orders. These deviations from the 1300 °F afterburner temperature and venturi scrubber pressure drop restrictions and the requirement to continuously monitor the scrubber pressure drop constitute violations of OAC Rule 3745-21-08(D) and ORC § 3704.05 (C), (G) and (J)(2).

23. On July 23, 2001, Respondent submitted its quarterly deviation report for the second quarter of calendar year 2001. The report identified deviations from operating restrictions as summarized in the attached Table I of these Orders. These deviations from the 1300 °F afterburner temperature constitute violations of OAC Rule 3745-21-08(D) and ORC § 3704.05 (C), (G) and (J)(2).

24. On August 8, 2001, a meeting was held between SEDO and Respondent to discuss Prevention of Significant Deterioration permitting requirements. On August 17, 2001, Respondent sent correspondence to SEDO providing a summary of the meeting held on August 8, 2001 between the parties. The letter discussed the issues related to maintaining a minimum 1300 °F afterburner temperature and the 1989 and 1998 modifications to emissions unit P901 that appeared to have triggered PSD by causing the potential emissions to exceed the significance thresholds. It was also stated that Respondent planned to submit a complete PSD PTI application no later than the first week of December 2001 to address these modifications.

25. On October 19, 2001, Respondent submitted its quarterly deviation report for the third quarter of calendar year 2001. The report identified deviations from operating restrictions as summarized in the attached Table I of these Orders. These deviations from the 1300 °F afterburner temperature and scrubber pressure drop restrictions and the requirement to continuously monitor the scrubber pressure drop constitute violations of OAC Rule 3745-21-08(D) and ORC § 3704.05 (C), (G) and (J)(2).

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26. During the August 8, 2001 meeting, Respondent avers that SEDO stated it would need to discuss the provided information on CO and determine the direction to proceed and would communicate this direction back to Respondent. On November 13, 2001, a warning letter was sent by SEDO to Respondent regarding its failure to submit PTIs for prior modifications. The failure to obtain PSD PTIs for these modifications were violations of OAC Rule 3745-31-02(A) and ORC § 3704.05(G). It was stated that SEDO expected the PSD PTI application to be submitted no later than the first week of December 2001.

27. On November 19, 2001, a telephone conversation occurred between SEDO staff and Respondent. Respondent stated the November 13, 2001 letter from SEDO was received and that the application would be ready for submittal by the second week in February 2002.

28. On January 8, 2002, Respondent sent correspondence to SEDO stating that its contractor, RMT, would have its submittal ready sometime during the second week of February 2002.

29. On January 22, 2002, Respondent submitted its quarterly deviation report for the fourth quarter of calendar year 2001. The report identified deviations from operating restrictions as summarized in the attached Table I of these Orders. These deviations from the 1300 °F afterburner temperature and scrubber pressure drop restrictions constitute violations of OAC Rule 3745-21-08(D) and ORC § 3704.05 (C), (G) and (J)(2).

30. On April 11, 2002, an Ohio EPA Director's warning letter was issued to Respondent outlining the violations of OAC Rules 3745-31-02(A) and 3745-21-08(D). Additionally, Respondent was informed that it was not in compliance with federal PSD regulations in 40 CFR Part 52.21, for years 1989 and 1998, and OAC Rule 3745-31-10 through 20 for 1998. This was based on the following analysis in terms of tons per year ("TPY"):

Pollutant	Threshold Level (TPY) for Modifications Under PSD Rules	Net Facility Emissions Increase for 1989 Modification (TPY)	Net Facility Emissions Increase for 1998 Modification (TPY)
Particulate Matter	25	32.27	69.08
Volatile Organic Compounds	40	178.27	368.69

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The 1998 non-compliance is a violation of OAC Rule 3745-31-13(C) and ORC § 3704.05(G). The Ohio EPA Director's warning letter requested the following be submitted within 14 days of the date of receipt (i.e., April 15, 2002): a PSD PTI application; a history of actual emissions and federally enforceable potential emissions, along with all supporting calculations, for the years 1987 to present; and an expeditious plan and schedule for correcting emissions unit P901's inability to continuously maintain a minimum 1300 °F afterburner temperature. Respondent notified SEDO on May 2, 2002 that it would not be able to meet the 14-day deadline given the extensive request and requested an extension until May 10, 2002.

31. In an April 23, 2002 letter to SEDO, Respondent indicated it was in receipt of the Director's warning letter of April 11, 2002 and had been working on permit applications since the August 8, 2001 meeting. Respondent indicated that the process was taking longer than anticipated.

32. On April 26, 2002, Respondent submitted its quarterly deviation report for the first quarter of calendar year 2002. The report identified deviations from operating restrictions as summarized in the attached Table I of these Orders. These deviations from the 1300 °F afterburner temperature restriction and the requirement to continuously monitor the afterburner temperature constitute violations of OAC Rule 3745-21-08(D) and ORC § 3704.05 (C), (G) and (J)(2).

33. A response to the Ohio EPA Director's warning letter was received from Respondent on May 16, 2002. The letter noted that while the percentage of time Respondent may not have been continually maintaining the required afterburner temperature has never been significant, a review of data indicated a marked improvement. The letter indicated that Respondent felt the temperature issue had been resolved. The submittal also included a PSD PTI application and noted that at all times Respondent had been in compliance with applicable permit emission limits for emissions unit P901. The response did not include the requested history of actual emissions and federally enforceable potential emissions, along with all supporting calculations, for the years 1987 to present.

34. On May 30, 2002, SEDO returned the PSD PTI application to Respondent. The preliminary completeness review found the application to be incomplete. SEDO provided information to Respondent on what would be required and requested the application be resubmitted.



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35. On June 20, 2002, SEDO sent a reply to Respondent regarding its May 16, 2002 response letter. The letter identified the requests made in the Ohio EPA Director's warning letter and the necessary information Respondent would need to submit. Respondent was requested to submit a revised PSD PTI application, all actual and potential emission calculations for the years 1987 to the present, and monitoring records that demonstrate that emissions unit P901 was in compliance with the afterburner temperature restriction.

36. On June 24, 2002, a conference call was conducted between a SEDO representative, an Ohio EPA Central Office ("Central Office") representative, Respondent, and a RMT representative. The June 20, 2002 SEDO letter was discussed. Respondent requested that, due to time constraints, in lieu of the history of actual emissions and federally enforceable potential emissions, along with all supporting calculations, for the years 1987 to present, a summary of the years 1989 and 1998 along with a modification investigation be submitted. Also discussed was the need for a compliance plan and schedule regarding emissions unit P901. Respondent agreed to submit the information.

37. On July 31, 2002, SEDO received a response from Respondent. It included a revised PSD PTI application and a response to emissions unit P901's inability to continuously maintain a minimum 1300 °F afterburner temperature. No compliance plan and schedule was submitted other than a statement that the emissions unit should be in compliance by the month's end, along with a narrative of the activities undertaken to date. Also included was a response to the agreed upon summary of potential and actual emissions for the years 1989 and 1998 along with a modification investigation. There was confusion as to what calculations were to be submitted with the permit application and those to be submitted to Central Office in response to the Ohio EPA Director's warning letter. This was eventually clarified and the information was received on August 27, 2002 by Central Office.

38. On August 21, 2002, Respondent submitted a letter to SEDO regarding the Ohio EPA Director's letter of April 11, 2002. A PSD PTI application for emissions unit P901 was enclosed with the letter. Without admitting any of the allegations in the warning letter of April 11, 2002, the letter indicated that theoretically the facility should have undergone PSD review concerning the changes to emissions unit P901 that occurred in 1989 and 1998, and that its BACT review was conducted in terms of 2001 to ensure all available control options were considered. Furthermore, Respondent stated that it believed that all issues with the afterburner have been corrected since the replacement of the fan shrouds on April 14, 2002 to reduce leakage and stabilize temperatures. Respondent stated that temperature deviations have decreased from 2.7 percent of operating time in the third quarter of 2000 to 0.377 percent of operating time in the fourth quarter of 2001.

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39. On August 23, 2002, SEDO sent correspondence to the Respondent regarding review of the second quarter deviation report. SEDO informed Respondent that the deviation report did not include the probable cause and corrective actions for emissions unit P901's afterburner temperature. A response was requested within 14 days.

40. On August 26, 2002, Respondent submitted PSD PTI application 06-06986 to SEDO.

41. On September 4, 2002, Respondent submitted its quarterly deviation report for the second quarter of calendar year 2002. The report identified deviations from operating restrictions as summarized in the attached Table I of these Orders. These deviations from the 1300 °F afterburner temperature restriction and the requirement to continuously monitor the scrubber pressure drop constitute violations of OAC Rule 3745-21-08(D) and ORC § 3704.05 (C), (G) and (J)(2).

42. On October 25, 2002, Respondent submitted its quarterly deviation report for the third quarter of calendar year 2002. The report identified deviations from operating restrictions as summarized in the attached Table I of these Orders. These deviations from the 1300 °F afterburner temperature and scrubber pressure drop restrictions and the requirement to continuously monitor the afterburner temperature constitute violations of OAC Rule 3745-21-08(D) and ORC § 3704.05 (C), (G) and (J)(2).

43. On January 23, 2003, Respondent submitted its quarterly deviation report for the fourth quarter of calendar year 2002. The report identified deviations from operating restrictions as summarized in the attached Table I of these Orders. These deviations from the 1300 °F afterburner temperature and venturi scrubber pressure drop restrictions and the requirement to continuously monitor the afterburner temperature constitute violations of OAC Rule 3745-21-08(D) and ORC § 3704.05 (C), (G) and (J)(2).

44. In an e-mail dated February 3, 2003 to Respondent's legal counsel, Ohio EPA requested the following information:

- a. the past actual emissions and future potential emissions for each year from 1987 to the present for all pollutants for emissions unit P901;
- b. the past actual emissions and future actual emissions from 1987 to the present for all emissions units both upstream and downstream from emissions unit P901; and
- c. a plan and schedule for addressing the afterburner temperature deviations of emissions unit P901.

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45. In a letter dated February 18, 2003, counsel for Respondent submitted a letter to the Ohio EPA Legal Office encouraging Ohio EPA to process the May 2002 PSD PTI application submitted by Respondent or indicate what additional information is needed. Also, counsel mentioned that actual and potential data for 1987 to 2003 is not needed for all sources at the facility when Best Available Control Technology ("BACT") is being demonstrated in present day terms. Furthermore, counsel questioned the need to focus on any other sources other than emissions unit P901.

46. On April 24, 2003, Respondent submitted its quarterly deviation report for the first quarter of calendar year 2003. The report identified deviations from operating restrictions as summarized in the attached Table I of these Orders. These deviations from the 1300 °F afterburner temperature and scrubber pressure drop restrictions and the requirement to continuously monitor the afterburner temperature and venturi scrubber pressure drop constitute violations of OAC Rule 3745-21-08(D) and ORC § 3704.05 (C), (G) and (J)(2).

47. On July 24, 2003, Respondent submitted its quarterly deviation report for the second quarter of calendar year 2003. The report identified deviations from operating restrictions as summarized in the attached Table I of these Orders. These deviations from the 1300 °F afterburner temperature and venturi scrubber pressure drop restrictions and the requirement to continuously monitor the afterburner temperature constitute violations of OAC Rule 3745-21-08(D) and ORC § 3704.05 (C), (G) and (J)(2).

48. On October 21, 2003, Respondent submitted its quarterly deviation report for the third quarter of calendar year 2003. The report identified deviations from operating restrictions as summarized in the attached Table I of these Orders. These deviations from the 1300 °F afterburner temperature and venturi scrubber pressure drop restrictions constitute violations of OAC Rule 3745-21-08(D) and ORC § 3704.05 (C), (G) and (J)(2).

49. On November 14, 2003, Respondent submitted a revised PSD PTI application to Ohio EPA for emissions unit P901, which replaced PSD PTI application 06-06986. On November 21, 2003, the revised PSD PTI application was returned to Respondent by Ohio EPA per Respondent's e-mail request dated November 19, 2003.

50. On January 28, 2004, Respondent submitted its quarterly deviation report for the fourth quarter of calendar year 2003. The report identified deviations from operating restrictions as summarized in the attached Table I of these Orders. These deviations from the 1300 °F afterburner temperature and scrubber pressure drop restrictions and the requirement to continuously monitor the afterburner temperature and venturi scrubber pressure drop constitute violations of OAC Rule 3745-21-08(D) and ORC § 3704.05 (C), (G) and (J)(2).

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51. In a letter dated February 9, 2004, Ohio EPA returned PSD PTI application 06-06986 for emissions unit P901 to Respondent since it was incomplete.

52. On February 12, 2004, Respondent resubmitted its PSD PTI application. In a letter dated March 4, 2004, SEDO notified Respondent of its preliminary review of the PSD PTI application received on February 12, 2004 and requested Respondent to, within seven days, submit the noted missing or incomplete information, or the application would be deemed incomplete and be returned.

53. On April 7, 2004, Respondent submitted a reply to SEDO's letter of March 4, 2004 and provided the requested information. The application addresses modifications in 1989 and 1998. While Respondent failed to apply for and obtain PTIs in violation of OAC Chapter 3745-31, BACT had been employed during those time periods. Respondent claims that at all times it had met the requirements related to BACT, and claims at no time did it exceed any of the emission limits contained in the permits in effect at the time.

54. On April 24, 2004, Respondent submitted its quarterly deviation report for the first quarter of calendar year 2004. The report identified deviations from operating restrictions as summarized in the attached Table I of these Orders. These deviations from the 1300 °F afterburner temperature and venturi scrubber pressure drop restrictions and the requirement to continuously monitor the afterburner temperature constitute violations of OAC Rule 3745-21-08(D) and ORC § 3704.05 (C), (G) and (J)(2).

55. In a letter to Respondent dated May 24, 2004, SEDO requested additional information in reply to Respondent's letter of April 7, 2004.

56. On July 12, 2004, Respondent submitted its quarterly deviation report for the second quarter of calendar year 2004. The report identified deviations from operating restrictions as summarized in the attached Table I of these Orders. These deviations from the 1300 °F afterburner temperature and venturi scrubber pressure drop restrictions and the requirement to continuously monitor the afterburner temperature constitute violations of OAC Rule 3745-21-08(D) and ORC § 3704.05 (C), (G) and (J)(2).

57. On September 14, 2004, Respondent submitted the remaining information to make its PSD PTI application complete.

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58. Respondent operates a large PUNB mold/core making operation originally included with an emissions unit identified as F005. Respondent also operates a small PUNB mold/core making operation identified by Respondent as Z073, which was installed in 2002. In the past, facilities were allowed to use an emission factor of 0.0008 lb. of VOC per ton of sand, which would result in both the large and small PUNB mold/core making operations qualifying as exempt from the PTI requirements as de minimis under OAC Rule 3745-15-05. However, recent data indicate emissions are equal to 1.17 lbs. VOC per ton of sand. Based on the new emission factor, Respondent installed and operated Z073 in violation of OAC Chapters 3745-31 and 3745-35, respectively. In addition, the new emission factor will require a new PTI for the large PUNB mold/core making operation. The Respondent has committed to submit PTI applications for both the large and small mold/core making operations prior to January 31, 2005.

59. Respondent operates six centrifugal pipe casting machines #1 through #6 permitted as F018. Of these six machines, four were installed prior to January 1, 1974, with two pipe casting machines being added in 1979. Respondent installed and operated the two pipe casting machines in 1979 without first applying for and obtaining a PTI and PTO, in violation of OAC Chapters 3745-31 and 3745-35, respectively. A PTI application for the six machines that have been permitted as F018 was included with the cupola PSD application referenced in Finding 57.

60. It is Respondent's position that it has minimized or eliminated the deviations of the operating restrictions and monitoring requirements of its Title V permit.

61. The Director has given consideration to, and based his determination on evidence relating to the technical feasibility and economic reasonableness of complying with the following Orders and their benefits to the people of the State to be derived from such compliance.

## **V. ORDERS**

The Director hereby issues the following Orders:

1. Within fourteen (14) days after the effective date of these Orders, Respondent shall pay Ohio EPA the amount of one hundred twenty-three thousand seven hundred and fifty dollars (\$123,750) in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant to ORC § 3704.08. Payment shall be made by an official check made payable to "Treasurer, State of Ohio" for \$123,750. The official check shall be submitted to Brenda Case, or her successor, at Ohio EPA, Office of Fiscal Administration, P.O. Box 1049, Columbus, Ohio 43216-1049, together with a letter identifying the Respondent and the facility. A copy of the check shall be sent to James A. Orlemann, Assistant Chief, Enforcement Section, or his successor, at the following address:

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Division of Air Pollution Control  
Ohio Environmental Protection Agency  
P.O. Box 1049  
Columbus, Ohio 43216-1049

2. Within sixty (60) days after the effective date of these Orders, Respondent shall prepare and submit for review and approval to SEDO a Preventive Maintenance and Malfunction Abatement Plan ("PMMAP") for emissions unit P901. Such PMMAP shall be prepared in accordance with applicable Ohio EPA guidance, and shall address the temperature and pressure drop operational and monitoring requirements of the Title V permit, including minimizing or eliminating temperature and pressure drop deviations from operating restrictions and monitoring requirements. Within thirty (30) days after receiving SEDO's comments on the PMMAP, Respondent shall finalize such plan to SEDO's satisfaction and implement such plan with a final copy being submitted to SEDO. The PMMAP shall be periodically updated and revised as necessary with prior approval from SEDO. A requirement to maintain such a PMMAP shall be incorporated into the next Title V permit for the facility.

3. Respondent shall submit complete PTI applications for the large PUNB mold/core making operation and the small PUNB mold/core making operation no later than January 31, 2005.

## **VI. TERMINATION**

Respondent's obligations under these Orders shall terminate when Respondent certifies in writing and demonstrates to the satisfaction of Ohio EPA that Respondent has performed all obligations under these Orders and the Chief of Ohio EPA's Division of Air Pollution Control acknowledges, in writing, the termination of these Orders. If Ohio EPA does not agree that all obligations have been performed, then Ohio EPA will notify Respondent of the obligations that have not been performed, in which case Respondent shall have an opportunity to address any such deficiencies and seek termination as described above.

The certification shall contain the following attestation: "I certify that the information contained in or accompanying this certification is true, accurate and complete."

This certification shall be submitted by Respondent to Ohio EPA and shall be signed by a responsible official of Respondent. For purposes of these Orders, a responsible official is the person authorized to sign in OAC Rule 3745-35-02(B)(1) for a corporation or a duly authorized representative of Respondent as that term is defined in the above-referenced rule.

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## **VII. OTHER CLAIMS**

Nothing in these Orders shall constitute or be construed as a release from any claim, cause of action or demand in law or equity against any person, firm, partnership or corporation, not a party to these Orders, for any liability arising from, or related to, the operation of Respondent's facility.

## **VIII. OTHER APPLICABLE LAWS**

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, state, and federal laws and regulations. These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to the Respondent.

## **IX. MODIFICATIONS**

These Orders may be modified by agreement of the parties hereto. Modifications shall be in writing and shall be effective on the date entered in the journal of the Director of Ohio EPA.

## **X. NOTICE**

All documents required to be submitted by Respondent pursuant to these Orders shall be addressed to:

Ohio Environmental Protection Agency  
Southeast District Office  
2195 Front Street  
Logan, Ohio 43138  
Attention: Zach Hamlin, Environmental Specialist

and to:

Ohio Environmental Protection Agency  
Lazarus Government Center  
Division of Air Pollution Control  
P.O. Box 1049  
Columbus, Ohio 43216-1049  
Attention: Thomas Kalman, Manager, Enforcement Section

or to such persons and addresses as may hereafter be otherwise specified in writing by Ohio EPA.

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## **XI. RESERVATION OF RIGHTS**

Ohio EPA and Respondent each reserve all rights, privileges and causes of action, except as specifically waived in Section XII of these Orders.

## **XII. WAIVER**

In order to resolve disputed claims, without admission of fact, violation, or liability, and in lieu of further enforcement action by Ohio EPA for only the violations specifically cited in these Orders, Respondent consents to the issuance of these Orders and agrees to comply with these Orders. Compliance with these Orders shall be a full accord and satisfaction for the Respondent's liability for the violations specifically cited herein.

Respondent hereby waives the right to appeal the issuance, terms and conditions, and service of these Orders, and Respondent hereby waives any and all rights Respondent may have to seek administrative or judicial review of these Orders either in law or equity.

Notwithstanding the preceding, Ohio EPA and the Respondent agree that if these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, Respondent retains the right to intervene and participate in such appeal. In such an event, Respondent shall continue to comply with these Orders notwithstanding such appeal and intervention unless these Orders are stayed, vacated, or modified.

## **XIII. EFFECTIVE DATE**

The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.




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#### **XIV. SIGNATORY AUTHORITY**

Each undersigned representative of a party to these Orders certifies that he or she is fully authorized to enter into these Orders and to legally bind such party to these Orders.

#### **IT IS SO ORDERED AND AGREED:**

Ohio Environmental Protection Agency

  
\_\_\_\_\_  
Christopher Jones  
Director

12-28-04  
\_\_\_\_\_  
Date

#### **IT IS SO AGREED:**

Clow Water Systems Company,  
a division of McWane, Inc.

  
\_\_\_\_\_  
Signature

Dec. 28, 2004  
\_\_\_\_\_  
Date

Jeff S. Otterstedt  
\_\_\_\_\_  
Printed or Typed Name

Vice President and General Manager  
\_\_\_\_\_  
Title

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**TABLE I. SUMMARY OF DEVIATIONS FROM AFTERBURNER TEMPERATURE  
 AND SCRUBBER PRESSURE DROP OPERATING RESTRICTIONS AND  
 TEMPERATURE AND PRESSURE DROP MONITORING REQUIREMENTS BY  
 CALENDAR QUARTER FOR CLOW WATER SYSTEMS COMPANY IN  
 COSHOCTON, OHIO**

Quar ter	Year	No. of Days When Afterburner Temp. was < 1300 °F/ Total Minutes	No. of Days When Pressure Drop was < 35 inches of Water Column/ Total Hours	No. of Days When Pressure Drop Monitor(s) Not in Operation/ Total Hours	No. of Days When Temp. Monitor Not in Operation/ Total Hours
3rd	2000	34 days/1,465 minutes	6 days/72 hours	11 days/82 hours	
4th	2000	37 days/727 minutes		17 days/127 hours	
1st	2001	42 days/828 minutes	1 day/4 hours	1 day/4 hours	
2nd	2001	19 days/196 minutes			
3rd	2001	7 days/145 minutes	3 days/19.5 hours	3 days/33 hours	
4th	2001	9 days/136 minutes	7 days/47 hours		2 days/NK
1st	2002	5 days/179 minutes			12 days/NK
2nd	2002	25 days/489 minutes		10 days/34.7 hours	
3rd	2002	3 days/83 minutes	11 days/29.78 hours		3 days/NK
4th	2002	29 days/1,471 minutes	10 days/47.66 hours		3 days/NK
1st	2003	39 days/2,006 minutes	27 days/22.5 hours		4 days/NK
2nd	2003	38 days/1,146 minutes	18 days/28 hours		12 days/NK
3rd	2003	18 days/154 minutes	21 days/39.1 hours		
4th	2003	4 days/556 minutes	15 days/23.5 hours	1 day/NK	3 days/NK
1st	2004	33 days/1,684 minutes	17 days/31 hours		7 days/41.5 hours
2nd	2004	16 days/576 minutes	12 days/15.5 hours		5 days/NK

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